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15 UNITED STATES DISTRICT COURT  
16  
17 NORTHERN DISTRICT OF CALIFORNIA  
18

15	UNITED STATES OF AMERICA,	)	No. CR 07-00507 JW
16		)	
17	Plaintiff,	)	
18	vs.	)	STIPULATION AND (PROPOSED)
19		)	ORDER TO CONTINUE AND
20		)	EXCLUDED TIME PURSUANT
21		)	TO SPEEDY TRIAL ACT
22	RICARDO SAEZ and	)	
23	STEVEN MORENO	)	
24		)	
25	Defendants.	)	
26		)	

27 TO THE HONORABLE JAMES WARE:

28 Defendant Ricardo Saez, through his counsel, Mary Elizabeth Conn, and Assistant  
United States Attorney Thomas O'Connell stipulate and agree that time shall be excluded  
from September 24, 2007 through October 22, 2007 pursuant to 18 U.S.C. §§ 3161 (h)(8)(A)  
and (B)(iv), the Speedy Trial Act, in that the ends of justice served by the continuance  
requested outweigh the best interest of the defendant and public in speedy trial because the

1 failure to grant such a continuance would deny the defense the time necessary for effective  
2 preparation, taking into account the exercise of due diligence.

3  
4 The parties request that the date of October 22, 2007 at 1:30pm be set for status of  
5 Mr. Saez, and that the date of September 24, 2007, currently set, be vacated for the reasons  
6 set forth below.

7 The parties stipulate and request that the Court find the following as a factual basis  
8 for excluding the time pursuant to the Speedy Trial Act:  
9

10 (1) Parties request additional time to effectively prepare and investigate the facts  
11 surrounding this matter.

12 (2) Defense counsel Mary Conn is out of town and unavailable on September 24,  
13 2007.  
14

15 (3) In addition, the government is in the process of preparing and providing  
16 discovery in this case. An exclusion of time is necessary to afford the government time to  
17 complete the discovery process and to permit the defense to adequately assess the discovery  
18 and make informed decisions regarding any possible trial in this case.  
19

20 For these reasons, the parties agree that a continuance is necessary to ensure that  
21 counsel is available and prepared to make informed decisions regarding the case, and  
22 denial of such a continuance would unreasonably deny the defendant effective case  
23 preparation pursuant to 18 U.S.C. § 3161 (h)(8)(A) and 3161(h)(B)(iv).  
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25 Dated: September 19, 2007

Respectfully submitted,  
MARY E. CONN & ASSOCIATES

26  
27 /s/  
Mary Elizabeth Conn,  
28 Attorney for Defendant Ricardo Saez

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\_\_\_\_\_/s/\_\_\_\_\_  
**Geoffrey Alan Braun**  
**Attorney for Defendant Steven Moreno**

**SCOTT N. SCHOOLS**  
**United States Attorney**

\_\_\_\_\_/s/\_\_\_\_\_  
**Thomas M. O'Connell, AUSA**

1 UNITED STATES DISTRICT COURT  
2  
3 NORTHERN DISTRICT OF CALIFORNIA

4 UNITED STATES OF AMERICA, ) No. CR 07-00507 JW  
5 )  
6 Plaintiff, )  
7 vs. ) ORDER EXCLUDING TIME  
8 ) PURSUANT TO SPEEDY TRIAL ACT  
9 )  
10 RICARDO SAEZ, )  
11 Defendant. )

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12 FOR THE REASONS SET FORTH ABOVE IN THE STIPULATION BETWEEN  
13 THE PARTIES, THE COURT INDEPENDENTLY FINDS, IT IS HEREBY ORDERED  
14 that the time from September 24, 2007 to October 22, 2007 is excluded from the Speedy  
15 Trial Act requirements of Title 18, United States Code, Section 3161 pursuant to Title 18,  
16 United States Code, Sections 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The Court finds that the  
17 time is excludable in that the ends of justice served by granting this continuance outweigh  
18 the best interests of the public and the defendant in a speedy trial. The failure to grant the  
19 requested continuance would deny defense counsel reasonable time necessary for effective  
20 preparation, taking into account the exercise of due diligence, and would result in a  
21 miscarriage of justice. The Court therefore concludes that this exclusion of time should be  
22 made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

23 IT IS SO ORDERED.

24  
25 DATED: \_\_\_\_\_

26 JAMES WARE  
27 UNITED STATES DISTRICT JUDGE  
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